

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,) CRIM. NO. 04-30032-MAP
)
 vs.)
)
 FRANCIS G. KEOUGH,)
)
 Defendant.)

FINAL JOINT MEMORANDUM PURSUANT TO LOCAL RULE 116.5(C)

The United States of America, by and through Michael J. Sullivan, United States Attorney for the District of Massachusetts, and William M. Welch II, Assistant United States Attorney, hereby files this final joint memorandum pursuant to Local Rule 116.5(C) and the Magistrate Judge's Scheduling Order.

1. There are no outstanding discovery issues not yet presented or resolved.
2. The Government anticipates providing additional discovery given the fact that the investigation is continuing.
3. The defendant does not intend to raise a defense of insanity or public authority.
4. The Government has not requested notice of alibi. However, the defendant does not intend to raise a defense of alibi to the current charge.
5. The defendant intends to file motions to sever,

dismiss, and suppress, and possibly other substantive motions that will require rulings by the court.

6. A schedule should be set for the motions to sever, dismiss, and suppress, and other substantive motions. Time under the Speedy Trial Clock should be tolled from the date of the status conference through the filing of the motions to provide the defendant ample time to research, draft, and submit his motions. This request takes into consideration the due diligence of the parties and would be in the interests of justice.

7. The parties have not engaged in discussions about the early resolution of the case without a trial.

8. Excludable delay should be ordered under 18 U.S.C. §§ 3161(h)(1)(F), 3161(h)(8)(A) and Local Rules 112.2(A)(1) and (2).

As of June 12, 2005, the date of the last status conference, fifty days remained on the Speedy Trial Clock. The court ordered the time excluded from June 13, 2005 through July 27, 2005. Therefore, as of July 27, 2005, the date of the status conference, fifty days will remain on the Speedy Trial Clock, and the case must be tried by September 16, 2005.

9. The parties believe at this point that a trial should be anticipated. At this time, the Government would estimate a trial of three weeks.

Filed this 26th day of July, 2005.

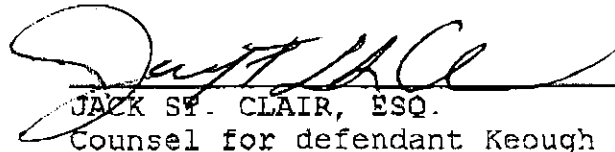
Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney



WILLIAM M. WELCH II
Assistant United States Attorney

For defendant Francis Keough:



JACK ST. CLAIR, ESQ.
Counsel for defendant Keough